

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>WOLF CARBON SOLUTIONS US, LLC,</p> <p><i>Petitioner,</i></p> <p>v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,</p> <p><i>Respondent.</i></p>	<p>CASE NO. _____</p> <p>DECLARATION AND AFFIDAVIT IN SUPPORT OF VERIFIED PETITION FOR TEMPORARY & PERMANENT INJUNCTIVE RELIEF</p> <p>(EXPEDITED CONSIDERATION REQUESTED)</p>
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Under Iowa Code 662.1, I, Nick Noppinger, the undersigned, make the following declaration:

- 1.** I am employed by Wolf Carbon Solutions US, LLC ("Wolf"). My title is Senior Vice President, Corporate Development.
- 2.** I have personal knowledge of the statements and matters outlined in this Declaration and am familiar with Wolf's proposed carbon capture and storage project, as well as proceedings relating to the project before the Iowa Utilities Board ("Board" or "IUB").
- 3.** In an effort to comply with Iowa Code 479B and the IUB's administrative rules implementing the statute, Wolf sent notices of public meetings, including specific information, to those responsible for paying taxes on certain parcels in each county where the pipeline is proposed to be constructed and operated.
- 4.** In an effort to fully comply with the good-faith requirements of Board's rules in Iowa Administrative Code 199 - 13.2(5)(d) to locate the addresses of all affected persons, Wolf has taken and is taking the steps described below.

5. First, Wolf engaged KC Harvey, who obtained the assessor's office information for the parcels in the notification corridor in each of the following counties: Clinton, Johnson, Linn, and Scott (the "Counties"). KC Harvey obtained the information from a third party, Real Estate Portal USA LLC ("ReportAllUSA") who provides a set of real estate research services that allow clients to search parcel data, map, create advanced query reports, PDF export, data downloads, and data overlays on to other mapping services.

6. The parcel data purchased from and curated by ReportAllUSA for KC Harvey is neither a legally recorded map or a survey, and is not intended to be used as such. The parcel data is a compilation of records, information, and data from various city, county, regional, state, and federal offices and other sources and should be used for reference only. All parcel data materials and real estate matter displayed and performed using ReportAllUSA's real estate services is the property of Real Estate Portal USA LLC and/or its third party clients and are protected by United States and international copyright laws. See Real Estate Portal USA LLC's Terms of Service regarding its Copyright Patent No. and Proprietary Information at <https://reportallusa.com/tos>.

7. ReportAllUSA parcel data did not contain addresses for Cedar County, so KC Harvey worked directly with the Cedar County Assessor's Office and the Assessor's office provided a 7,040-page PDF document of the 2021 Real Estate Assessment Rolls. Additional work was performed with an Auditor at the Assessor's Office, KC Harvey was able to obtain electronic data containing parcel information from the Cedar County Assessor's office.

8. KC Harvey then performed a data gap analysis. Any parcels that had data missing were reviewed and the missing data was filled in, wherever possible, by an employee of Wolf Carbon Solutions.

9. To identify the name and addresses of the persons listed on the tax assessment rolls as responsible for payment of real estate taxes for each of the parcels located within the notification corridor in the Counties, Wolf reviewed the Geographic Information System ("GIS") websites for the Counties.

10. Using the information provided, KC Harvey then overlaid this tax parcel data on a map showing a proposed pipeline route and selected the tax parcels in the notification corridor. From these selected tax parcels, Wolf added the owner's name and address information to the informational meeting mailing list for each county.

11. From July 28, 2022, to July 30, 2022, Wolf sent landowner letters and notices to all owners, and other affected persons listed, on these mailing lists via certified mail. The template of the landowner letter and notice were previously filed with the Iowa Utilities Board on July 8, 2022 in Docket No. HLP-2022-0002.

12. In addition, the letter and notice asked landowners to inform Wolf of any other persons in possession of the land, to provide contact information for them, and to share the letter with them. Should Wolf be informed of such persons, Wolf promptly will provide them with landowner letters and notices and add their names to the relevant county's mailing list.

13. When any mailed notice is returned, Wolf verifies the addresses, and if the address list on the tax rolls has changed or is different than the original mailing address, the notice is re-sent to the new or corrected addresses. Note, this task is ongoing.

14. We believe the list is proprietary to us, we would have never released this information - never intended it to be public. Only because of regulatory process did we share the information with the IUB.

15. This process has involved significant resources and goes well beyond merely obtaining a list of landowners from each county. First, the initial lists from which Wolf built its mailing lists are available only to those who pay for and subscribe to the service provided by ReportAllUSA who purchases, aggregates, and distributes assessor's office information to its clients. Then, Wolf's retained land use and environmental consultants, KC Harvey, reviews the lists to identify any gaps and work to locate and add missing information. Wolf staff then internally reviews the data to identify the correct name and address information for relevant parcels, which are located within a proposed corridor. Finally, the lists are continually updated and revised to include any new contact information, including information that typically is not readily available from an assessor's office, such as information about tenants or persons in possession.

16. Wolf staff and its retained consultants have spent significant time and resources in obtaining, reviewing, and revising the lists, including updating the lists to include any tenants or persons in possession that are not listed on the county tax rolls. Wolf will continue to expend significant resources to maintain and update the lists throughout this project.

17. To date, Wolf's lists involve hundreds of records, reflecting the personal information of the owner, tenants, or persons in possession, of each parcel in the notice corridor across five Iowa counties.

18. Wolf has strategically determined a project corridor that it believes serves interested customers, maximizes the collective benefit, and minimizes the collective impact of the line. Wolf's corridor and resulting mailing lists are kept confidential and utilized for sending notices to landowners. Specifically, to date, Wolf has used the mailing lists to send the required notice of informational meetings to affected persons and anticipates sending survey notices utilizing the same lists.

19. As part of the administrative process of planning for the IUB required public informational meetings, Board Staff requested that Wolf share the mailing list it used to provide notice to landowners.

20. Although filing the list was not required by law, rule, procedure, or contract, Wolf did not want to refuse a request from the decision-maker on its permit, potentially antagonizing the regulator before the permitting process was even underway.

21. At the same time, Wolf wanted to prevent disclosure of information about its potential host landowners and potential exposure of landowners to unwanted publicity.

22. To address both concerns, Wolf filed the mailing lists as requested, but with an application for confidential treatment, filed August 15, 2022, as is permitted under the Board's rules and consistent with the Iowa Open Records Act.

23. The individuals named in the mailing lists had no input in the process and have never consented to having their names publicly disclosed. To my knowledge, the affected persons in Wolf's mailing lists have not been given the opportunity to opt-out of the potential disclosure of their personal information.

24. On information and belief, many of the named individuals do not know about the threat of disclosure and have no meaningful opportunity to protect their rights.

25. In the current environment, identification as persons who may be making a private decision on whether to sign an easement on their private property with Wolf may subject them to harassment, and invasion of their privacy, peace, and seclusion through no action of their own.

26. In addition to the threat to landowners' privacy rights, disclosure would aid Wolf's competitors. At least one other carbon capture pipeline project is proposing to build its pipeline in some of the same counties that Wolf's project will be located. If Wolf's mailing lists, from which

its project corridor can be discerned, is not kept confidential any competing pipeline project or any other person could use that information to Wolf's detriment, causing Wolf competitive and commercial harm.

27. The List in question contains personal, identifiable information about landowners/occupiers along the proposed pipeline route.

28. Unfortunately, in today's environment, computer hackers are smart, data breaches are common, and accidents happen. In an effort to manage the reality of this risk, Wolf recently obtained comprehensive insurance coverage to protect Wolf's financial, tangible, and intangible assets - including its proprietary information and trade secrets. Data breach insurance was purchased to safeguard Wolf from the cost of a data breach, exposure to ransomware, phishing, and other cyber threats. Wolf is particularly interested in the insurance coverage in order to cover the possibility of a breach of Personally Identifiable Information ("PII") stored in its databases and across its IT infrastructure. PII comprises any data that identifies a specific person. This includes postal addresses. Wolf is so concerned about protecting against a possible breach that it requires its Right-of-Way vendors and any other vendors with access to landowner information to produce a Certificate of Insurance listing Wolf as an additional insured and it is making cybersecurity insurance a requirement for vendor contract renewals. It is counterintuitive to freely release this information where Wolf is taking significant measures to prevent its exposure to the public.

29. Wolf contracted professional security guard services to deliver event security for the five IUB-required public informational meetings. Security professionals were hired to assist with a broad scope of services should the need arise, including crowd control, access control, general security, loss prevention, de-escalation, and asset protection. Wolf engaged expert security with specialized training to protect its meetings from unexpected safety or security concerns and

to keep the meetings running smoothly. Wolf invested in private security personnel to avoid leaning on local law enforcement and potentially causing a burden to the local resources. The private security service hired for Wolf's public meetings consisted of two to four plain-clothed highly-trained agents at each meeting location, the number of agents needed was dependent upon the size of the venue.

30. The examination of the mailing lists would clearly not be in the public interest and would substantially and irreparably injure both the persons on the mailing lists and Wolf.

31. The foregoing information is provided in support of Wolf's Verified Petition for Temporary and Permanent Injunctive Relief.

VERIFICATION

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

Executed on this 7th day of September, 2022.

Nick Noppinger

Name

A handwritten signature in dark ink, appearing to read 'Nick Noppinger', is written over a horizontal line.

Signature

Senior Vice President, Corporate Development for Wolf Carbon Solutions US, LLC

Title